

REMARKS

This is a timely response to the Official Action mailed October 24, 2008. Claims 22-32 are pending. Applicant wishes to thank the Examiner for the thorough search and detailed explanation of the basis of the rejections.

All claims are rejected in whole or in part based on the Varaprasad et al document, US 2003/0087107. For the reasons set forth below, all rejections of record are respectfully traversed.

The rejection of Claim 22 under 35 U.S.C. § 102 is respectfully traversed.

The Varaprasad et al document relates to reversibly variable electrochromatic devices for varying the transmittance to light (i.e., the intensity of the light passing through a device is modulated by the device) for example, a rearview mirror, window and sunroof of a vehicle. (Varaprasad et al document paragraphs [1] and [2]). The device of the Varaprasad et al document *per se*, does not emit any light, rather, it controls the light transmittance of some "other" device. (Id., paragraph [5-6.] For example, an electric potential applied to the device causes a change in color of the polymeric film 6 and this change in color affects light transmittance.

The Varaprasad et al document contains 649 numbered paragraphs but mentions light emitting diodes only once, at paragraph 188. None of the 56 examples in the Varaprasad et al document refers to a light emitting diode. None of the 22 claims in the Varaprasad et al document refers to a light emitting diode. In paragraph 188 of the Varaprasad et al document, there is absolutely no explanation as to how the light emitting diodes are purportedly controlled by the electrochromic polymer films of the Varaprasad et al document. The Varaprasad et al document is non-enabling with respect to light emitting devices.¹ However, even if the Examiner disagrees with Applicant's position on non-enablement, the Varaprasad et al document does not teach, suggest, anticipate or make obvious the present invention.

Claim 22 is the sole independent claim. This claim includes, *inter alia*, "Laminated glazing comprising light-emitting diodes (LEDs) are inserted between the two glass sheets....". The Varaprasad et al document never suggests any potential placement of light

¹ An issued U.S. Patent is presumed valid and thus presumed enabling for that which it claims. There is no such presumption as to unclaimed subject matter. There is no such presumption for a published application.

emitting diodes. The Office Action, at page 2, wherein the application of the Varaprasad et al document to the claims is explained, cites two paragraphs [162 and 188] of the Varaprasad et al document, neither of which discloses the potential position of light emitting diodes.

In fact, the Varaprasad et al document at paragraph 162 reinforces Applicant's position that the device described in this document is to control light transmittance. This is contrary to light emitting diodes which, of course emit light. (The emitted light can be used to illuminate, signal, convey information, or any other purpose for which LED's are used and for this reason the claims are not limited in that regard.) All paragraph 162 of the Varaprasad et al document suggests is that diodes (not light-emitting diodes, but diodes to ensure there is no change in polarity) be placed in the circuit, when an AC source is used, with the diodes being placed between the AC source the conductive coatings 4.

With respect to light emitting diodes, paragraph 188 of the Varaprasad et al document, (the only paragraph mentioning light emitting diodes) suggests that the electrochromic solid films can be used with ... map reading lights comprising ... an array of light emitting diodes ...". (emphasis added) That language does not teach that the light emitting diodes are physically part of the device of the Varaprasad et al document and, in fact, teaches to the contrary.

Anticipation under 35 U.S.C. § 102 requires that each element in the claim be found in a single prior art document "arranged as in the claim". MPEP § 2131. The Varaprasad et al document does not teach either that the light emitting diodes are part of a glazing nor that light emitting devices are inserted between the two glass sheets. Thus the Varaprasad et al document does not anticipate independent Claim 22.

For the foregoing reasons, the rejection of independent claim 22 based upon the Varaprasad et al document is respectfully traversed.

The rejection of claim 32 under 35 U.S.C. § 102 is respectfully traversed.

The Office Action relies on paragraphs 124, 149, 158 as well as 162 and 188 of the Varaprasad et al document (and Figure 1 of that document) as the basis for the rejection of Claim 32. As noted previously, only paragraph 188 of the Varaprasad et al document refers to the light emitting diodes and none of the five paragraphs specify the location of light emitting diodes relative to the conductive coating 4. Accordingly, this rejection is also respectfully traversed.

The rejection of claims 23-26 and 31 under 35 U.S.C. § 102 is respectfully traversed.

These claims all dependent from independent Claim 22. Applicant respectfully traverses the rejection for the same reason that independent Claim 22 is submitted to be allowable.

The rejection of claims 27-30 under 35 U.S.C. § 103 is respectfully traversed.

Each of these claims depend from independent Claim 22. As noted above, the Varaprasad et al document, alone or with other prior art, is relied upon in the Office Action to reject these claims.

Furthermore, as noted above, the Varaprasad et al document does not include the light emitting diodes in the manner set forth in the claims, nor even as part of a laminated glazing, and the device of the Varaprasad et al document is for a different purpose (varying light transmittance) and teaches away from the present claimed invention.

Accordingly, there is no basis in the record to "modify" the teachings of the Varaprasad et al document or to "combine" the teachings of the Varaprasad et al document with any other document, in an effort to match up the prior art to the claims.

Based upon the foregoing, this rejection is respectfully traversed.

Conclusion

For the foregoing reasons, reconsideration and allowance are respectfully solicited. Should the Examiner be of the opinion that an interview would expedite the prosecution of this application, the Examiner is encouraged and requested to contact the undersigned.

Respectfully submitted,

AKERMAN SENTERFITT

Date: December 15, 2008

/s/ Jerold I. Schneider
Jerold I. Schneider
Registration No. 24,765
222 Lakeview Avenue, Suite 400
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000

Docket No. 4004-070